

PATENT

Application No. 10/726,389  
Attorney Docket No. 067493-5015-US02**REMARKS**

Reconsideration of this Application is respectfully requested. Upon entry of the foregoing amendments, claims 1-22 are pending in the application, with claims 1 and 14 being the independent claims. Support for the subject matter of the amended claims is contained in the application as originally filed. Because the foregoing changes introduce no new matter, their entry is respectfully requested.

Based on the above Amendment and the following Remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

***Rejections under 35 U.S.C. § 102 and 103******Claims 1-4, 6, and 14-22***

The Examiner has rejected claims 1-4, 6, and 14-22 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,723,229 to Scheifers et al. ("Scheifers"). Scheifers lacks the removable fuel cell cartridge of the present invention including a container releasably engaging a liquid fuel cell assembly, as is called for by amended claims 1 and 14.

Scheifers does not disclose such a feature. Instead, Scheifers merely discloses the basics of fuel cell system design. For example, Scheifers merely discloses the mixing of a gaseous fuel and a gaseous oxidant via an aspirator 42, and introducing the mixture to a fuel cell 13. *See* column 1, line 55 et seq. The exhaust from fuel cell 13 is connected to a water trap 46.

In contrast, the removable fuel cell cartridge (e.g., cartridges 39f, 39h, 39j, 39k, 39ee) of the present invention includes a container (e.g., container 92f, 92h, 92j, 92k) that releasably engages a fuel cell assembly. *See*, e.g., FIGS. 16, 18, 21, 23, and 38. The container includes a fuel chamber (e.g., primary chamber 145, 145h, 145ee) and, as such, the fuel chamber is also releasable from the fuel cell assembly. In contrast to Scheifers, the present container also includes either (i) a second chamber (e.g., 146, 146h, 146ee) or a (ii) an absorbent device (e.g., absorbent device 216). *See* claims 1 and 14, respectively; *see also* FIGS. 16, 18, and 38. As

PATENT

Application No. 10/726,389  
Attorney Docket No. 067493-5015-US02

such, the second chamber or absorbent device are not only removable from the fuel cell assembly, they are removable as a unit with the fuel chamber.

For at least these reasons, Applicant respectfully submits that Scheifers does not anticipate independent claims 1 or 14. Applicant submits that claims 2-4, 6, and 14-22, which depend from claim 1, are allowable over the cited art for at least the same reasons noted above.

### *Claims 5 and 7-13*

The Examiner has rejected claims 5 and 7-13 under 35 U.S.C. § 103(a) as being unpatentable over Scheifers, alone or in combination with U.S. Patent No. 5,976,725 to Gamo et al. ("Gamo"), and in the case of claim 12, further in view of U.S. Patent Application Publication No. 2001/0028965 A1 to Boneberg et al. ("Boneberg").

As claims 5 and 7-13 each depend upon one of independent claims 1 and 14, claims 5 and 7-13 incorporate all of the limitations of claim 1 or claim 14. As noted above, Scheifers lacks the removable fuel cell cartridge of the present invention including a container releasably engaging a liquid fuel cell assembly, much less a container including a fuel chamber *and* a second chamber or an absorbent device. Both Gamo and Boneberg fail to account for this deficiency of Scheifers.

Accordingly, Applicant submits that claims 2-4, 6, and 14-22, are allowable over the cited art for at least the same reasons noted above.

### **CONCLUSION**

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

I-SF/7628072.1

6 of 7

AMENDMENT AND REPLY

PATENT

Application No. 10/726,389  
Attorney Docket No. 067493-5015-US02

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extension of time or additional claims, and/or credit any overpayment to Deposit Account No. 50-0310 (Order No. 067493-5015-US02; Former Nos. A-70547-2; 468940-00071).

Prompt and favorable consideration of this Amendment and Response is respectfully requested.

Respectfully submitted,

Date: March 12, 2008By: 

Victor E. Johnson, Reg. No. 41,546

MORGAN LEWIS & BOCKIUS LLP  
One Market, Spear Street Tower  
San Francisco, California 94105  
Tel: 415.442.1000  
Fax: 415.442.1001